

# Notice of Allowability

Application No.

09/914,326

Examiner

Alexis Wachtel

Applicant(s)

HIPPE ET AL.

Art Unit

1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amd filed on 9-6-05 and telephonic interview on 11-15-05.
2. ☒ The allowed claim(s) is/are 10-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 11-15-05.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

***Detailed Action***

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Greg Vickers on 11-15-05.

The application has been amended as follows:

Claim 20. An air reversing device for maintaining a desired temperature in an already completed section of a heating flue in a coke-oven battery during the construction or repair of a non-completed section ~~portion~~ of the heating flue above the completed section, said reversing device comprising: at least one air passage tube and a cover plate, said cover plate being configured to ~~which~~ separate the completed section from the non-completed section ~~portion~~, said at least one air passage directing heating gases from the completed section of one heating flue to another heating flue.

Claim 24. An air reversing device for maintaining a desired temperature in an already completed section of a heating flue in a coke-oven battery during the construction or repair of a non-completed section ~~portion~~ of the heating flue above the completed section, the already completed section having a plurality of flues, said reversing device comprising: an air passage tube having an inlet in fluid communication with a first flue of the plurality of flues and an outlet in fluid communication with a second flue of the

plurality of flues, and a cover plate which along with said tube separates the completed section from the non-completed section ~~portion~~, said passage tube directing the heating gases from the first flue to the second flue.

***Allowable Subject Matter***

2. The following is a statement of reasons for the indication of allowable subject matter: with respect to claims 10 and 28, US 5092765 to Wahlfeld teaches the claimed method except for the use of an air reversing device. Instead Wahlfeld teaches the use of a cover plate (10). US 4111756 to Lagemann et al is directed to a methods and means of heating up chambers in coking batteries and teaches an air reversing device (11) and in particular to a method of heating ***partially completed portions*** of coke oven walls ***while*** they are being rebuilt. It would not have been obvious to have used the air reversing device (11) of Lagemann et al instead of the cover plate (10) used by Wahlfeld. The air reversing device of Lagemann et al is used to heat reconstructed coke oven walls ***after*** said oven walls are completed. In particular, the device of Lagemann et al (11) is integrated into coke oven battery doors (Col 2, lines 58-61). Since reconstruction of coke oven walls must occur at an ambient temperature, the air reversing device of Lagemann et al (11) is only used after total completion of work since said air reversing device is intended to heat up the ***entire*** newly constructed coke oven chamber to a temperature of 850F (Col 2, lines 23-28). Therefore, Lagemann et al teaches away from the heating a coke oven chamber ***while*** it is being rebuilt and does not remedy the deficiencies of Wahlfeld. Claims 11-19 and 29-31 depend on claims 10 and 28.

With respect to claim 20 and 24, the closest prior art to Lagemann et al teaches an air reversing the device, but the device is not capable of maintaining a desired temperature in an already completed section of a heating flue in a coke-oven battery during the construction or repair of a non-completed section of the heating flue above the completed section. In particular, the air reversing device disclosed by Lagemann et al is designed to heat flue walls of coking oven **after** the flue wall has been completely restored. The air reversing device of Lagemann et al is built into coke oven doors and cannot heat parts of the coking oven chamber, and said flue walls. Claims 21-23, and 25-27 depend on the allowed claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Wachtel whose telephone number is 571-272-1455. The examiner can normally be reached on 10:30am to 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Glenn Caldarola, can be reached at (571)-272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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